

REMARKS

III. In response to Examiner's first Office Action (paper 21) in the above referenced CPA, Claims 14, 40, 44, and 45 - 47; 44-48 are herein amended; and new Claims 49-53 herein submitted. In this instant application, Claims 14 and 44 are independent claims, and Claims 23, 24, 31, 40-43, and 45-53 are dependant claims.

Drawings

Examiner objected to the drawings under 37 CFR 1.83(a). A proposed drawing correction are required to the Office Action. Examiner states the objection to the drawings will not be held in abeyance. Applicant has review each of the Examiner's objections below and has shown were the drawings teach the claimed subject matter.

**Claim Rejections - 35 USC § 112,
first paragraph**

Examiner rejected Claim 14, 23-24, 31, and 40-48 under 35 USC 112, first paragraph. In the following, Examiner's statements will be compared to the drawings of record and the previously submitted Substitute reformatted and corrected Specification (19 pages, 8.5 X 11 paper), submitted 09/08/99.

Examiner stated the specification fails to provide support for a "computer-display handset unit, but instead discloses a computer system, comprising a flat panel display assembly (2) and wireless handset (14)." The terms "computer-display handset unit" and the term "communications base unit" may be causing confusion to the Examiner. To avoid such confusion, Applicant has amended the claims by eliminating the confusing words "computer-display" and changing it to "wireless handset" (14) as taught in Fig. 2, 3 and 7, and taught on page 8 line 14, and page 11 lines 27-28. Element (2) is a portion of an assembly of components comprising a "base unit (100)" as taught on page 11 line 26. The base unit may also be a "notebook computer system (100)" as taught on page 9 line 35 - Figs. 1, 2, 3, 4 and 7.

619 943 5907

Examiner states "the specification fails to provide for any specific control of the wireless handset, but to be somewhat directed to the control of the flat panel assembly (2). However, the specification does show sufficient antecedent basis for such control on page 11 lines 27-35, page 12 lines 1-21, and as shown in Fig. 3(c) and Fig. 7, and pages 18-19 in reference to Fig. 8. Examiner may not noticed that Fig. 7 and 8 can refer to both wireless handset and base unit. Also, element (14) wireless handset and element (34) wireless earset have similar functions and uses; and are taught in the specification in the alternative.

where

Examiner states the specification fails to provide for manual or automatic selecting the handset unit being 'primarily a personal digital. However, on page 18, line 13 of the specification, states: "The system may automatically enter a default system mode, or the user can select one or mode computer or communication modes 76." This element 76 is shown in Fig. 8A.

Examiner states the specification fails to provide for a handset unit that can access the internet. However, on page 18 starting on line 30, clear anteceded basis is taught with the words: "For example, one or more telephony programs 84, office/personal productivity programs 86, electronic mail or voice mail 88, and Internet/Web browsing programs 90 may be used." Element 90, along with the many other directly related elements, are shown in Fig. 8A.

Examiner also states the specification fails to provide for a capability that the user can look at a display screen while speaking toward a microphone at a distance. However, on page 12, lines 26-29, the specification states: "*The user may speak towards one or more microphones 36 located along the top edge. The user will be able to hear the other person(s) talking, through audio speakers 30 located conveniently on the base unit.*" [emphasis added] On page 11, lines 19-23, the specification states: "*One or more built-in audio microphones 36 may be embodied in the base unit. Preferably one microphone should be located on the edge of the notebook, as shown, so that the user may be in voice communications with other while*

the unit is closed. One or more audio speakers 30 may be built into the base unit." Thus, multiple microphones, speakers at the edge of the unit, plus the teaching "may speak toward" multiple microphones all teach to "speaking at a distance", such as speaker phone type of function.

5

Examiner also states the specification fails to provide for adapting data to wireless communication protocols and signal step. However, on page 4, line 27, the specification discloses "communication functions". It is well know in the art that many communication functions include protocols. On page 11, lines 28-30, the specification states: *"The handset 14*
10 *may operate roughly equivalent to conventional cellular telephone handsets with a built in power source, providing voice and/or data communications to wide area communications networks."* It is common in the technical literature to use the short hand term "communications" to refer to "communication functions" or in the alternative "communication protocols".

15

Examiner states the specification fails to provide for "controlling" methods in the claims. However, on page 18, line 6 the specification states: *"Fig. 8 presents a typical flow diagram of computer programs executing in the system of the embodiments disclosed herein"*. From the specification text it is clear that Fig. 8 applies to both the wireless handset and base
20 unit. As specific evidence to controlling steps, see the many controlling elements, for example: "run operation system (70), "control multiple program & mode activity" (96), and "control mobile relay communications functions" (98).

In Regard to Claims 44 – 48, Examiner states the specification fails to provide for the
25 claimed subject matter. However, as mentioned above, the entire text referring to Fig. 8 (8A and 8B) applies to the "wireless handset". Also, Fig. 7, as noted in the "Brief Description of the Drawings" on page 5 states that *"Fig. 7 shows block diagram of the computer system and associated elements."* Thus, Fig. 7 may apply to wireless handsets. The associated text with Fig. 7, stating on page 16, line 15, through page 18, can apply to "wireless handsets". Also,
30 on page 18, line 17 the specification states: *"A conventional computing mode includes typical*

PC computing or PDA computing.” It is well known the PDAs have microprocessors. The specification teach microprocessors in the base unit, wireless handset or a PDA. The specification and drawing teach the wireless handset may be also PDA. Thus, specification teaches that the wireless handset can have PDA functions in addition to handset functions.

5

As to teaching adapting of data, control, transmission, and reception under the microprocessor system, see Fig. 7 and text starting on page 16, line 15, through page 18. Note Fig. 7 and associated text teaches microprocessor/control (38) and wireless transmission/reception as evidence by the dotted lines between antennas of elements (32) and (14). Therefore, there is sufficient antecedent basis disclosed in the specification and drawings. As to hand free speaker phone operation with the user looking at a display screen while speaking toward a microphone at a distance, see page 11, lines 28, where handset and earset are disclosed in the alternative:

10

15

20

25

“ . . . such as a wireless cellular-like handset 14 or earset 34. The handset 14 may operate roughly equivalent to conventional cellular telephone handsets with a built in power source, providing voice and/or data communications to wide area communications networks. The earset 34 has a small low power RF transceiver, audio microphone, audio speaker and small battery source, which is capable of fitting into the user's ear. The wireless earset unit may be used for hands free applications. The user may then walk around while communicating with the handset or earset. If one is using the earset he/she may also use a pen input means 7 or keyboard 16 while in audio communications. For semi-private voice communications, some users may prefer using the handset 14, with hand set speaker 14A, handset key pad 14B and handset microphone pickup 14C”

From evidence above, Applicant's specification teaches “hands free” and “semi-private voice communications” which provides sufficient antecedent basis for the claim language speaking at a distance and speakerphone-like operation.

35

***Claims rejected under
35 USC 112 second paragraph***

Examiner rejected Claim 14, 23-24, 31, 40-43 and 46-47 under USC 112 second paragraph. Applicant has amended the claims to more particularly and distinctly claim the

subject matter that Applicant considers the invention. In Claim 14, the term "adapted to wireless communication", has been amended to – adapted to wireless communication functions ---. Other indefinite claim language appears to be corrected.

5

Claim Objections

Examiner objected to Claim 48 under 37 CFR 1.75(c) as being of improper dependant form. Claim 48 has been amended by striking the words "handset unit is an earset unit"; changing the claim language to: --- handset unit's voice and control functions are adapted to
10 functions of an earset unit. ---

Examiner objected to Claims 31 and 40-43 because a comma was in the wrong place. The claims have been corrected by removing the commas.

Examiner objected to Claim 14 because one step was not labeled (d). Applicant has corrected Claim 14.

15

Examiner objected to Claim 44 because Applicant used the term "RF" without identifying the acronym. Applicant has corrected the term with: --- radio frequency (RF) ---

Claim Rejections – 35 USC § 102 over Babitch et al

20

Examiner rejected Claims 14, 23, 40, 41 and 44-48 under U.S.C. 102(e) as being anticipated by Babitch et al (US Patent 5,930,719). The definition of anticipation under 35 USC 102(e) is given in *Illinois Tool v. Sweetheart Plastics Inc.* [436 F.2d 1180, 168 USPQ 451 (7th Cir. 1971)] which states:

25

"Anticipation is strictly a technical defense and unless all of the same elements are formed in exactly the same situation and united in the same way to perform an identical function there is no anticipation." [emphasis added]

30

Examiner rejected Claims 14 and 44-48 under U.S.C. 102(e). First, one could consider if all of the same elements are taught, and if they united in the same way. Babitch teaches a "cordless telephone system", but their "cordless handset" (12) is cordless only between and

the "cordless base stations" (18), see Fig. 1. At the other end of the handset, Babitch requires an external modem connection cable connecting it to a laptop or palmtop computer (14). Babitch's handset is not free of external cable or wire connections, see the required "modem comm" cable in Fig. 1. In fact, Babitch states:

5 "Critical to the present invention is the combination of analog modulation on the radio, echo cancellation and automatic gain control between the telephone network and the base radio and a standard telephone interface jack to connect the handset to the laptop modem port." [col. 7, lines 19-23]

10 One can see from the above, Babitch teaches a "cordless phone system" comprising of to a laptop/palmtop connected to a cordless handset via a cable. In contrast, Applicant's wireless handset is a single self-contained wireless handset, without wires, connecting to any of the other disclosed devices, as evidence see Applicant's Fig. 3C and Fig. 7 and associated text.

15 To more particularly point of the invention, Claim 14 has been amended to:

"handset unit is adapted to wireless communication of data with a communication base unit a relatively short distance away for the purpose of said base unit wirelessly relaying data to and from an external wide area network" [element (a)].

20 As to Claim 44, Applicant has amended element (b) to:

"adapting handset unit to wireless communication functions and signals, under control of said microprocessor system, for relatively short distance wireless local networking with a base unit, wherein information is relayed via RF communication to an external wide area network by said base unit;"

25 Clearly the Babitch reference does not teach the above two teachings. Babitch's palmtop is not exactly the same as Applicant's handset/PDA. A two component handset plus palmtop combination is not the same as a single integrated wireless handset/PDA unit. Babitch's elements are not united in the same way as Applicant's claims. Therefore, Claims 14 and 44-
30 48 are not anticipated by Babitch under the meaning of 35 USC 102(e); so applicant respectfully asks the claims be placed into allowance.

As to Claim 23, Babitch only teaches a laptop or palm top with a separate handset, not a PDA.

As to Claim 40, Babitch teach a separate base unit (18) and a desktop computer (20) connected by an external cable. They do not teach a notebook computer wireless interfaced to a handset as applicant teaches. As to Claim 41, Babitch teaches only Internet e-mail, where applicant teaches full Internet programs. Also dependent claims 23, 40 and 42 have has all the limitations of independent Claim 14, that appears allowable; so applicant request they be placed into allowance.

***Claim Rejections – 35 USC § 102
over Lintula et al***

Examiner rejected Claim 14, 24, 40, 41, and 44-48 under 35 USC 102(e) as anticipated Lintula et al (US Patent 5,884,190). However, Lintula teaches a “portable computer (1)” connected to a “telecommunication terminal or “mobile station (2)” by “connection cable (4) as shown in Fig. 1. RF communication is taught only between the mobile station (2) and the wide area telecommunication network along one path to the far away antenna, in two modes (33, 34). Although Lintula indicates that the cable may be replaced by wireless methods, the single path to the telecommunication network remains a requirement. In contrast, Applicant’s Claim 14 and 44 teach a handset (14) modified for wireless communication, both between itself and a base unit, for the purpose of RF relay to a external wide area network (33), or directly to the external wide area network. This is shown in Applicant’s Figs. 3 and 7, and associate text. This multiple RF path is especially apparent by the three RF paths forming a triangle in Fig. 7.

In Claim 14, Applicant teaches the above, see claim language in element (a):

“handset unit is adapted to wireless communication of data with a communication base unit a relatively short distance away for the purpose of said base unit wirelessly relaying data to and from an external wide area network” [element (a)].

In Claim 44, Applicant teaches the following claim language in element (b):

“adapting handset unit to wireless communication functions and signals, under control of said microprocessor system, for relatively short distance wireless local networking with a base unit, wherein information is relayed via RF communication to an external wide area network by said base unit;” [element (b)]

Lintula does not teach the above elements, united the same way and functioning the same way. Therefore, Claims 14 and 44-48 are not anticipated by Lintula under the meaning of 35 USC 102(e); applicant respectfully asks the claims be placed into allowance. As to Claims 24, 40, and 41, each are dependant claims of Claim 14. As such, each has all the limitations of Claim 14 that appears allowable. Therefore, Applicant requests Claims 24, 40, and 41 be placed into allowance.

***Claim Rejections Obviousness
Under 35 USC § 103(a)***

In order to establish a Prima Facie Case of Obviousness [MPEP 2143], three basic criteria must be met.

“First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach all the claim limitations.” [emphasis added]

Obviousness IVO May

Examiner rejected Claims 14, 24, and 44-48 under 35 USC § 103(a) in view of May (US Patent 5,446,783). May teaches a conventional cellular phone (10), a telephone cell (5), computer (38) with cable connection to cellular phone, or palmtop (100) with infrared wireless connection to cellular phone. May teaches RF communication between cellular phone (10) and cell (5). In contrast, Applicant in Claims 14 and 44 teach “handset unit (14)”, base unit/notebook unit wireless communication means (51), and wide area communications network (33), as shown in Fig. 7. Applicant teaches a two part wireless communication sequence: 1) hand set to/from base unit, and 2) base unit to/from a wide area network, with the base unit in the middle relaying information to the others devices. In Claim 14 applicant teaches:

"handset unit is adapted to wireless communication of data with a communication base unit a relatively short distance away for the purpose of said base unit wirelessly relaying data to and from an external wide area network" [element (a)].

5 In Claim 44, Applicant teaches:

"adapting handset unit to wireless communication functions and signals, under control of said microprocessor system, for relatively short distance wireless local networking with a base unit, wherein information is relayed via RF communication to an external wide area network by said base unit;" [element (b)]

10

In its clear May does not suggest adapting a handset unit capable of relaying data via a base unit or notebook computer to a telephone network. Also, May does not suggest such computer or palmtop RF communication with his telephone cell. In fact May suggests away from such RF communication by not disclosing any antenna on computers (38) or (100). May does not suggest any kind of such relay communications between computer (37) or (100) and cell site (5). Also May teaches, as its only point of novelty, Infrared and cable connections between the cellular phone and the computer. For all the above reasons, it appears Applicant's Claim 14 and 44 and their dependants are nonobvious under the meaning of 35 USC § 103(a). Applicant respectfully asks that Claims 14, 24, and 44-48 be placed in allowance.

15

20

Obviousness Siitonen in view of Stien

Examiner rejected Claims 14, 24, and 44-48 under 35 USC § 103(a) over Siitonen in view of Stien. However, in regard to Claim 14 neither Stien or Siitonen suggest the flowing claim language: "*wherein said user has option to run these modes roughly simultaneously*" [Element (b)]. As to Stien, his multiple modes or functions are not roughly simultaneously. Stien teaches away, from simultaneous functions, see Fig. 14 where module unit 31 must be inserted in pen computer (313), then removed and placed in units (300) or (309). Thus operation cannot be simultaneous. As to Siitonen, he suggests away because it is physically *impossible* to run telephone and PDA modes simultaneously, since the cover must to

25

30

closed cover the keypad when using as a phone, See Fig. 2A and 2B. There is no a reasonable expectation of success for simultaneous functions.

In regard to Claim 44, applicant teaches:

5 “adapting handset unit to wireless communication functions and signals, under control of said microprocessor system, for relatively short distance wireless local networking with a base unit” [Element (b)].

However, Stien suggest away from this type of local networking. Although Stien teaches
10 Amps, GSM DECT, Mobitix (local and global) [Col. 1, ln 60]. Stien this does not mean local networking with a base station; he means local networking in general. Stien does teach: Base stations operating in different geographic areas as well as part of different networks [Col. 2, ln 1]. Thus, Stien suggests away from applicant’s local base station. As to Siitonen, they teach PSTN or data transmission capabilities to connect with remote computers [Col. 2, ln 26-
15 28]. Also, Siitonen teaches wireless networks for communication with the outside world to remote computers [Col. 4, ln 42-46], suggesting wide area networking not local area networking.

In addition, neither Siitonen or Stien teach nor suggest the following Applicant’s
20 amended Claim language:

In Claim 14, element (a):

 “handset unit is adapted to wireless communication of data with a communication base unit a relatively short distance away for the purpose of said base unit wirelessly relaying data to and from an external wide area network”
25

In Claim 44, element (b):

 “adapting handset unit to wireless communication functions and signals, under control of said microprocessor system, for relatively short distance wireless local networking with a base unit, wherein information is relayed via RF
30 communication to an external wide area network by said base unit;”

Therefore, both Claim 14 and 44 appear to be allowable under the meaning of 35 USC § 103(a). The dependent claims of Claim 14 and 44 have all the limitations of their independent

claims and are further limited. Therefore, the dependent claim appear allowable. Applicant respectfully asks Claims 14, 24, and ~~44-48~~ be placed into allowance.

IV. All claims appear to be patentable under the meaning of 35 U.S.C. 112, 102(e) and
5 103(a). **No new matter has been added.** Newly submitted Claims do not change the scope of
the claimed subject matter. Amendments to and new claims were not made due to any
patentability reasons, but merely to conformed the original language more closely to the
meaning given to it in the specification. Applicant reserves the right to swear behind
references cited. Applicant most respectfully requests Claims 14, 23, 24, 31, 40-48, 49-53 be
10 placed into allowance.

Sincerely,

15

Richard J. Ditzik
Applicant Pro Se

Date: _____

20

307 Surrey Drive
Bonita, CA 91902

¹
(619) 993-5807 (Voice)
(619) 479-5613 (Fax)

Appendix A

Amendment Version with Marking to Show Changes Made

IN THE SPECIFICATION:

5 Starting at Page 11, line 18:

Fig. 3(a) also shows several other elements including a small CCD video camera 46, built into the display assembly for video conferencing and other uses. One or more built-in audio microphones 36 may be embodied in the base unit. Preferably one microphone should be located on the edge of the notebook, as shown, so that the user may be in voice
10 communications with other while the unit is closed. One or more audio speakers 30 may be built into the base unit. One or more compartments 47 and 48 may be embodied at convenient locations to store attachments for use with the mobile computer system. A telescoping antenna 32 may be embodied into the base unit as shown, or it may be built-in the unit and not exposed. Although the base unit 100 can be a self-contained unit, it may work with other
15 optional attachments, such as a wireless cellular-like handset 14 or earset 34, as shown in Fig. 3C. The handset 14 may operate roughly equivalent to conventional cellular telephone handsets with a built in power source, providing voice and/or data communications to wide area communications networks. The earset 34 has a small low power RF transceiver, audio microphone, audio speaker and small battery source, which is capable of fitting into the user's
20 ear. The wireless earset unit may be used for hands free applications. The user may then walk around while communicating with the handset or earset. If one is using the earset he/she may also use a pen input means 7 or keyboard 16 while in audio communications. For semi-private voice communications, some users may prefer using the handset 14, with hand set speaker 14A, handset key pad 14B and handset microphone pickup 14C. _
25

IN THE CLAIMS:

14. (Five times Amended) A method of controlling a [computer-display] handset unit operated by a user comprising the steps of:
- 30 a) executing micro computer control program for control of [computer-display] said handset unit, wherein said control program accepts user inputs and generates processing outputs, and wherein said [computer-display] handset unit is adapted to wireless

communication of data with a communication[s] base unit a relatively short distance away for the purpose of wireless relaying data to and from an external wide area network;

b) selecting a plurality of computing and communication modes in coordination with said executing micro computer control program step, wherein said modes includes [wireless]

5 voice, [wireless] data and conventional computing functions, and wherein said user has option[s] to run these modes roughly simultaneously [and said selecting step is manual or automatic];

c) controlling said plurality of computer and communication[s] modes under control of said control program, such that multiple functions of said hand held [computer-display] unit
10 appear roughly simultaneous in operation; and

d) executing a plurality of application programs under control of said control program and controlling step [, wherein said plurality of program functions may include such functions as internet browser functions , e-mail functions, voice communications, voice mail, personal productivity functions and telephony functions].

15

23. (Amended) A method of controlling a [computer-display] handset unit as recited in Claim 14, in which said [computer-display] handset unit is primarily a personal digital assistant device.

20 24. (Amended) A method of controlling a [computer-display] handset unit as recited in Claim 14, in which said [computer-display] handset unit is primarily a cellular phone unit.

31. (Amended) A method of controlling a [computer-display] handset unit as recited in Claim 14, in which said controlling of plurality of computer and communication[s] modes step
25 is adapted to communications among multiple [computer-display] handset units or earset units.

40. (Twice Amended) A method of controlling a [computer-display] handset unit as recited in Claim 14, in which said communication[s] base unit is primarily a portable notebook-like computer system with external communication[s] capability.

30

41. (Amended) A method of controlling a [computer-display] handset unit as recited in Claim 14, in which said [computer-display] handset unit is adapted to access the Internet.

42. (Amended) A method of controlling a [computer-display] handset unit as recited in Claim 14, in which said [computer-display] handset unit is adapted to hands free [speaker phone] speakerphone-like operation, wherein the user can look at a display screen while speaking toward a microphone at a distance.

43. (Amended) A method of controlling a [computer-display] handset unit as recited in Claim 14, in which said [computer-display] handset unit is adapted to record and playback audio or video content such as music or movies.

44. (Three times Amended) A method of controlling wireless communication functions of a [computer-display] handset unit comprising the steps of:

a) controlling said [computer-display] handset unit via a microprocessor system[,] using control program, [and] data stored in memory and [other typical] microprocessor system components, located in said [computer-display] handset unit;

b) adapting [data] handset unit to wireless communication [protocols] functions and signals, under control of said microprocessor system, [necessary] for relatively short distance wireless local networking with a base unit, wherein information [can be] is relayed via [cellular] RF communication functions to an external wide area network by said base unit;

c) transmitting wireless [RF] radio frequency (RF) information, under control of said microprocessor system to said base unit [or a cellular network]; and

d) receiving wireless [RF] radio frequency (RF) information, under control of said microprocessor system from said base unit [or a cellular network].

45. (Twice Amended) A method of controlling wireless communication functions of a [computer-display] handset unit, as recited in Claim 44, in which said adapting [data] handset step includes adapting functions to networking functions [among] with one or more other [computer-display] handset units.

46. (Twice Amended) A method of controlling wireless communication functions of a [computer-display] handset unit, as recited in Claim 44, in which said adapting data step is adapted to communication functions with said [local] base unit that is connected to the Internet via wire or cable connections.

47. (Twice Amended) A method of controlling wireless communication functions of a [computer-display] handset unit, as recited in Claim 44, in which said adapting data step is adapted to communication functions [with] having said base unit [that performs] performing [the] functions of a personal computer or notebook computer.

48. (Amended) A method of controlling wireless communication functions of a [computer-display] handset unit, as recited in Claim 44, in which said [computer-display] handset unit's voice and control functions [may be an] are adapted to functions of an earset unit [instead].

49. (New) A method of controlling wireless communication functions of a handset unit, as recited in Claim 44, in which said transmitting wireless radio frequency (RF) information step is adapted to transmitting information to a wireless cellular radio network, and receiving wireless radio frequency (RF) information step is adapted to receiving information from a wireless cellular radio network.

50. (New) A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to e-mail functions.

51. (New) A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to voice communication functions.

52. (New) A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to personal productivity functions.

53. (New) A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to computer telephony functions.